CMPMO No.120 of 2007.

27.9.2007. Present: Mr. G.R. Palsra, Advocate, for the petitioners.

Mr. Neel Kamal Sharma, Advocate, for the respondent.

On this petition coming up today for consideration, Mr. Neel Kamal Sharma, learned counsel appearing for the respondent submits that he has no objection if the impugned order is set aside and the matter is sent back to the learned trial Court for passing fresh order after deciding the objection petition filed by the petitioners-objectors in terms of Section 47 read with Section 151 of the Code of Civil Procedure.

Actually, a perusal of the impugned order itself clearly reveals and shows that the learned Court below without deciding the aforesaid objection petition filed by the petitioners proceeded to issue warrant of possession and directing that the possession be delivered. This error apparent on the face of the order has vitiated the proceedings.

The impugned order is set aside. The matter is sent back to the learned Court below with directions to first decide the objection petition of the petitioners and then to proceed further in the execution proceedings.

The parties are directed to appear before the learned Court below on 11th October, 2007, the date already fixed by the learned Court below.

Since the matter is very old, I direct the learned Court below to decide the objection petition within one month by fixing

short dates and thereafter to proceed further in the execution without wasting any further time.

The petition is disposed of.

CMP No.400 of 2007.

In view of the disposal of the main petition, this application is disposed of. Interim order passed on 15th June, 2007 shall stand vacated.

27th September, 2007. (V.K. Gupta), C.J.
(tr)